

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Group Art Unit: 1634
	)	
Linnen <i>et al.</i>	)	Examiner: Lucas, Zachariah
	)	
Serial No.: 10/688,489	)	Confirmation No. 3927
	)	
Filed: October 16, 2003	)	Atty. Docket No.: GP140-04.UT
	)	
For: Compositions and Methods for	)	
Detecting West Nile Virus	)	

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b) & (c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants bring to the Examiner's attention the references listed on the enclosed form PTO/SB/08 (two copies) for consideration in connection with the examination of the above-identified application. Copies of the cited non-U.S. patent references are enclosed.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits.

If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of transmission indicated below, then Applicants request that this Information Disclosure Statement be treated as a transmission under 37 C.F.R. 1.97(c) and that the fee due under 37 C.F.R. § 1.17(p) be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

IDS

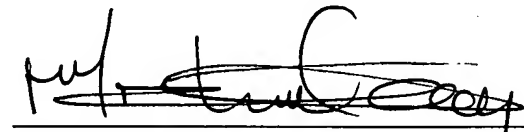
Serial No. 10/688,489  
Atty. Docket No. GP140-04.UT

Applicants respectfully request that the Examiner indicate consideration of the cited references by returning a copy of the enclosed form PTO/SB/08 with the Examiner's initials or other appropriate marks.

Respectfully Submitted,

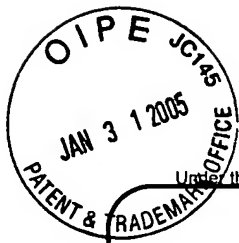
Date: January 27, 2005

By:



Michael J. Gilly  
Registration Number 42,579  
Agent for Applicants

GEN-PROBE INCORPORATED  
Patent Department  
10210 Genetic Center Drive  
San Diego, California 92121  
PH: 858-410-8657  
FAX: 858-410-8928



ITFW

PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/688,489
Filing Date	October 16, 2003
First Named Inventor	Jeffrey M. Linnen
Art Unit	1634
Examiner Name	Lucas, Zachariah
Attorney Docket Number	GP140-04.UT

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a in duplicate (4 pgs.) Nine foreign patent references Return Receipt Postcard
<input type="text"/> Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

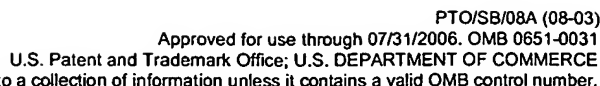
Firm Name	Gen-Probe Incorporated		
Signature			
Printed name	Michael J. Gilly		
Date	January 27, 2005	Reg. No.	42,579

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Michael J. Gilly	Date	January 27, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Complete if Known**

**(Use as many sheets as necessary)**

Sheet	1	of	2
-------	---	----	---

Application Number	10/688,489
Filing Date	October 16, 2003
First Named Inventor	Jeffrey M. Linnen
Art Unit	1648
Examiner Name	Lucas, Zachariah
Attorney Docket Number	GP140-04.UT

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		EP 0 318 216 B2	08-29-2001	Chiron Corp.		
		EP 0 388 232 A1	03-16-1990	Chiron Corp.		
		EP 1 178 116 A1	02-06-2002	Hybrigenics S.A.		
		WO89/04669 A1	06-01-1989	Chiron Corp.		
		WO00/75338 A2	12-14-2000	U.S. Gov't.		
		WO01/21807 A1	03-29-2001	U.S. Gov't.		

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.**

PTO/SB/08A (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
to a collection of information unless it contains a valid OMB control number.